

## Message Text

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ORIGIN EUR-08

INFO OCT-01 ISO-00 H-03 SS-07 NSC-06 AID-01 NSCE-00 SSO-00

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DRAFTED BY EUR/SOV:RLBARRY:MB

APPROVED BY EUR/SOV:MGARRISON

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O 081521Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

INFO AMCONSUL LENINGRAD IMMEDIATE

C O N F I D E N T I A L STATE 159891

E.O. 11652:GDS

TAGS: OREP(HUMPHREY, HUBERT. AND SCOTT, HUGH), PFOR, UR

SUBJECT: CODEL HUMPHREY/SCOTT; REFLECTIONS ON TRADE AND  
EMIGRATION

FOLLOWING IS CORRECTED COPY OF MESSAGE SENT FROM HUMPHREY/  
SCOTT AIRCRAFT JULY 7:

QUOTE: FOR H AND EUR/SOV FROM BARRY

1. ALTHOUGH THERE HAS BEEN NO GENERAL DISCUSSION AMONG  
DELEGATION SINCE MOSCOW MEETINGS ABOUT TRADE AND EMIGRATION  
A CONSENSUS OF A SORT HAS DEVELOPED AS TO WHAT NEXT STEPS  
MIGHT USEFULLY BE TAKEN TO BREAK CURRENT IMPASSE. IN VIEW  
OF POSSIBILITY THAT CODEL WILL MEET WITH SECRETARY SOON  
AFTER RETURN THESE THOUGHTS ARE PASSED ON, WITH CAUTION  
THAT THEY ARE FAR FROM DEFINITIVE AT THIS TIME. IN SUM,  
FEELING IS THAT IT WOULD BE A SERIOUS MISTAKE FOR ADMINIS-  
TRATION TO COME UP WITH SPECIFIC PROPOSALS FOR AMENDING  
JACKSON-VANIK NOW. RATHER, SENATE SHOULD BE LEFT TO COME  
UP WITH ITS OWN INITIATIVE, WHICH WOULD PROBABLY BE TO  
UNTIE JACKSON-VANIK FROM EXIM LEGISLATION AND RAISE BUT  
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PROBABLY NOT ELIMINATE \$300 MILLION CEILING.

2. DESPITE LETTER FROM PRESIDENT TO FOUR COMMITTEE CHAIR-

MEN PROMISING TO SUBMIT PROPOSALS FOR AMENDING TRADE ACT WHICH WAS HANDED OVER TO SOVIETS IN MOSCOW, MANY BELIEVE THAT ANY SUGGESTIONS FROM ADMINISTRATION AT THIS POINT WOULD CONFUSE PROCESS OF ARRIVING AT CONSENSUS IN THE SENATE. JAVITS HAS SAID HE IS COMMITTED TO TRY TO FIND A WAY OUT OF IMPASSE, ESPECIALLY AFTER HIS TRIP, AND RIBICOFF HAS INDICATED HE CAN BE COUNTED ON TO ASSIST IN THIS PROCESS. PREMATURE SUGGESTIONS FROM EXECUTIVE BRANCH COULD ONLY RESULT IN PROTRACTED NEGOTIATIONS WHICH WOULD HAVE TO INCLUDE JACKSON. SEMINAL PROCESS WITH RIBICOFF AND JAVITS CAN AND SHOULD BE ENCOURAGED, BUT PREEMPTING THEIR INITIATIVE MAY WELL FORCE THEM INTO OPEN OR BEHIND-THE-SCENES OPPOSITION.

3. ALTHOUGH SOVIETS DISPLAYED NO FLEXIBILITY ON GENERAL EMIGRATION QUESTION IN OFFICIAL DISCUSSIONS OR PRIVATE TALKS, EXPECTATION THAT THERE WOULD BE MOVEMENT ON SOME PROBLEM CASES RAISED BY CODEL WAS CULTIVATED. WITHOUT SUCH A MOVE FROM SOVIET SIDE IT WILL BE VERY DIFFICULT TO PERSUADE JAVITS, RIBICOFF AND OTHERS TO WORK FOR A REVISION OF JACKSON-VANIK OR EXIM LEGISLATION.

4. THERE IS WIDESPREAD PESSIMISM AS TO POSSIBILITY OF REVISING JACKSON-VANIK TO PERMIT EXTENSION OF MFN BEFORE 1977 WHATEVER HAPPENS, GIVEN EMOTIONS ALREADY STIRRED UP ON THIS ISSUE. UNTYING JACKSON-VANIK FROM EXIM LEGISLATION IS MUCH LESS CONTROVERSIAL, BOTH WITH JEWISH ACTIVISTS IN USSR AND WITH JEWISH GROUPS IN US. IT IS THIS THAT JAVITS, RIBICOFF, AND HUMPHREY MAY CHOOSE TO PURSUE ON THEIR RETURN. THEY WOULD EXPECT SOVIET PERFORMANCE ON EMIGRATION TO IMPROVE FOLLOWING SUCH A MOVE, BUT MAY NOT REQUIRE "ASSURANCES" FROM SOVIETS OR EXECUTIVE.

5. CONCERNING TIMING, FEELING IS THAT WHATEVER IS TO BE DONE SHOULD BE INITIATED AS SOON AS POSSIBLE AND THAT SITUATION CAN ONLY BE MORE DIFFICULT IN LATE 1975 AND 1976. IF SOVIETS NOW MOVE TO PERMIT PROMINENT REFUSENIKS  
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TO LEAVE, THIS WOULD BE TIME FOR SENATE TO MOVE.

6. ANOTHER IDEA WHICH HAS BEEN DISCUSSED BY HUMPHREY AND OTHERS IS THAT OF GRANTING MFN BY REVISING JACKSON AMENDMENT TO PROVIDE MFN FOR ALL STATES WHICH PRESIDENT CERTIFIES LIVE UP TO PRINCIPLES OF UN DECLARATION OF HUMAN RIGHTS, WITH CONGRESS OCCASIONALLY BEING GIVEN RIGHT TO REVIEW PRESIDENTIAL FINDING. THIS IS WIDELY SEEN TO HAVE MORE PITFALLS, HOWEVER, BECAUSE IT INVOLVES DEALING HEAD-ON WITH EMOTIONAL MFN ISSUE AND BECAUSE IT WOULD INVOLVE GETTING SOVIET AGREEMENT TO "CONDITIONAL" MFN, AT LEAST THE TIME FRAME. END QUOTE KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADE, IMMIGRATION CONTROL, VISITS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 JUL 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE159891  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** EUR/SOV:RLBARRY:MB  
**Enclosure:** n/a  
**Executive Order:** 11652 GDS  
**Errors:** n/a  
**Film Number:** D750235-0436  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t197507104/baaaaopu.tel  
**Line Count:** 110  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** KelleyW0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 11 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <11 JUN 2003 by CunninFX>; APPROVED <22 OCT 2003 by KelleyW0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** OREP, PFOR, UR, (SCOTT, HUGH), (HUMPHREY, HUBERT)  
**To:** MOSCOW INFO LENINGRAD  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006